

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TONY K. MCDONALD, JOSHUA B.
HAMMER, and MARK S. PULLIAM,

Plaintiffs,

v.

RANDALL O. SORRELS, et al.,

Defendants.

Civil Action No. 1:19-cv-00219-LY

NOTICE OF SUPPLEMENTAL AUTHORITY

In arguing that *Janus v. American Federation of State, County, & Municipal Employees*, 138 S. Ct. 2448 (2018), supports their arguments in this case, Plaintiffs and Texas Attorney General Ken Paxton as *amicus curiae* have cited the Supreme Court's post-*Janus* grant, vacate, and remand order in *Fleck v. Wetch*, 139 S. Ct. 590 (2018). *See, e.g.*, Hr'g Tr. 9:12-10:7 (Aug. 1, 2019); Att'y Gen. Amicus Br. 7 n.4 (ECF No. 40). On August 30, 2019, the Eighth Circuit issued its decision on remand in *Fleck*. The court once again affirmed the district court's grant of summary judgment in favor of the State Bar Association of North Dakota on the *Fleck* plaintiff's First Amendment claims. In doing so, the court confirmed that "*Janus* did not overrule *Keller* [*v. State Bar of California*, 496 U.S. 1 (1990)]." *Fleck v. Wetch*, No. 16-1564, slip op. at 10-11 (8th Cir. Aug. 30, 2019). The court's opinion is attached to this notice.

Dated: August 30, 2019

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CERTIFICATE OF SERVICE

I certify that on August 30, 2019, I electronically filed the foregoing Notice of Supplemental Authority with the Clerk of the Court for the U.S. District Court for the Western District of Texas by using the Court's CM/ECF system, which will send notification of such filing to the following:

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